

STATE OF MAINE

DOCKET NO. 2000-892

PUBLIC UTILITIES COMMISSION

NOVEMBER 8, 2000

MAINE PUBLIC UTILITIES COMMISSION
Transmission and Distribution Utility
Conservation Implementation Plans –
Promotion of Energy Conservation
Programs

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order we approve the State Planning Office (SPO) recommendation that Maine transmission and distribution utilities be allowed to spend up to \$25,000 on an education program to promote energy efficient behavior.

II. BACKGROUND

On October 26th, we received a request from the State Planning Office to approve energy conservation program fund expenditures of up to \$25,000 by Maine's transmission and distribution utilities for an energy conservation promotional program.

As part of the restructuring of the electric industry, the Legislature established a new process for implementing conservation programs by transmission and distribution utilities. Under the new process, the State Planning Office will create objectives and an overall energy strategy for statewide conservation programs to be implemented by transmission and distribution utilities. SPO will then review and approve proposed utility implementation plans, including proposed competitive bidding plans, to ensure they are consistent with those objectives. 5 M.R.S.A. § 3305-B(2).

The Commission's role is limited to two areas: bidding and funding levels. T&D utilities must select conservation service providers through a periodic competitive bidding process. The Commission must assure that the programs offered by the utilities are consistent with the plan put forth by the State Planning Office, and can waive the bidding requirement if the selection of a service provider through other means is consistent with the programs developed by the SPO and in the best interests of the State. The Commission must also approve the level of expenditures of utility funds for energy conservation programs.

III. Analysis and Decision

The request of the State Planning Office is consistent with its statutory responsibility. The Legislature directed SPO to expand the sources of funding for promoting energy conservation programs to coordinate the activities of State agencies that affect the consumption of energy, to rely on market forces whenever possible, and to make energy efficiency programs available to all State residents. This program includes funding from a wide variety of energy industry stakeholders, and involves the coordinated efforts of the State Planning Office, the Department of Economic and Community Development, and the Governors Office. By disseminating information on how to reduce energy use at a time when consumers are especially attuned to the high costs of energy, the program will give consumers the information they need to make correct choices about their energy use, and will fulfill the obligation to rely on market driven programs whenever possible. Finally, this program meets the Legislature's mandate to make programs broadly available to the State's residents because it will involve a statewide educational effort.

We find that the October 26 request by the State Planning Office conforms to the requirements of 5 M.R.S.A. § 3305-B(2), and accordingly, we approve the expenditure by transmission and distribution utilities of up to \$25,000 in energy conservation funds to promote energy conservation awareness.

Dated at Augusta, Maine, this 8th day of November 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.